IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1461 OF 2005
IN
CRIMINAL APPEAL NO. 212 OF 2005

Tanaji Jagannath Shirtode ... Applicant

V/s

The State of Maharashtra & Anr. ... Respondents

Shri R.B.Paranjpe for the applicant
Shri.A.S.Shitole,APP for the State.

Coram : V.M. Kanade, J.

Dated : 28/04/2005.

P.C. :-

1 Heard the learned counsel for the applicant and the learned APP for the State.

2 The applicant/original accused No.4 is convicted by the trial court for an offence punishable under section 452 read with section 34 and section 307 read with section 34 of the Indian Penal Code and is sentenced to suffer R.I. for 2 years and 5 years respectively.

3 It is submitted by the learned counsel for the applicant that the applicant is in jail since 31/01/2005. It is submitted that all the eye witnesses who have been examined by the prosecution have not attributed specific role to the applicant in the commission of the the said

offence. He was on bail during the trial. Therefore, he be released on bail. The learned APP has submitted that the applicant was acquitted in earlier case which was filed against him. The appeal is not likely to be heard for quite some time. The applicant had not misused the bail which was granted during trial. Under the circumstances, the applicant be released on bail in a sum of Rs.5000/- with one or two sureties in like amount.